

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT MOORE,
Plaintiff,

2:11-CV-01020-PMP-RJJ

v.

ORDER

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
et al.,
Defendants.

Before the Court for consideration is Defendants' fully briefed Motion to Dismiss for Failure to State a Claim and Expunge Lis Pendens (Doc. #22). On February 27, 2012, the Court conducted a hearing regarding the foregoing Motion and directed the Parties to file supplemental briefing concerning the impact on Defendants' Motion of the recent unpublished Nevada Supreme Court Opinion, *Faust v. Wells Fargo N.A.*, 2011 WL 3298915 (Nev. 2011). The Parties have done so (see Doc. #45 & 46).

On the papers, and at the hearing conducted February 27, 2012, Plaintiff conceded dismissal of his Second Claim for Relief, Satisfaction; Third Claim for Relief, Wrongful Foreclosure; and Fifth Claim for Relief, Slander of Title. Additionally, the Court ordered dismissal of Sixth Claim for Relief, Interference with Contractual Relationship and Seventh Claim for Relief, Declaratory Relief. The Court further found Plaintiff's Eighth

1 Claim for Relief for Temporary Restraining Order and Preliminary Injunction to be moot
2 because Plaintiff has already obtained the relief requested in that cause of action.

3 Remaining before the Court are Plaintiff's First Claim for Relief for Fraud, and
4 Fourth Claim for Relief for Violation of NRS Chapter 107.

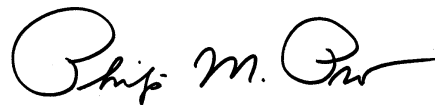
5 The Court finds that Plaintiff's Fourth Claim for Relief, for Violation of NRS
6 Chapter 107, must be dismissed in light of the arguments set forth by Defendants in their
7 original Motion (Doc. #22) and their Supplemental Reply (Doc. #45).

8 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss (Doc.
9 #22) is hereby **GRANTED** as to all claims set forth in Plaintiff's Complaint except
10 Plaintiff's First Claim for Relief for Fraud.

11 **IT IS FURTHER ORDERED** that Defendant shall, not later than thirty (30)
12 days from the date of this Order, file an answer to the First Cause of Action set forth in
13 Plaintiff's Complaint alleging fraud.

14 **IT IS FURTHER ORDERED** that the Parties shall, within sixty (60) days of
15 date of this Order, file a Joint Discovery Plan and Scheduling Order in compliance with the
16 provisions of Local Rule 16-1 of the Rules of Practice of the United States District Court
17 for the District of Nevada.

18 DATED: December 22, 2011.

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22 PHILIP M. PRO
23 United States District Judge
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